

## **Remarks and Arguments**

### **Status of the Claims**

Claims 1-14 are pending in the current application. Claims 1-3, 8, and 11-13 are amended herein. No new matter has been introduced by the claim amendments.

Applicant's remarks below follow the order of rejections raised in the Detailed Action section of the Office Action mailed from the U.S. Patent Office on March 30, 2005.

### **Double patenting rejection**

Claims 1-14 are rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-14 respectively of US Patent No. 6,463,930. Applicants respectfully traverse the rejection for the reasons set forth below.

Applicants respectfully submit that the instant application and U.S. Patent No. 6,463,930 are commonly owned by Cardiopulmonary Corporation by virtue of an assignment recorded in the U.S. Patent Office on September 25, 2002 at reel 013328, frame 0401.

In order to expedite prosecution of this application, Applicants enclose a properly executed terminal disclaimer disclaiming the terminal portion of the patent granted in the instant application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,463,930.


Applicants respectfully request that the rejection of claims 1-14 under the judicially-created doctrine of double patenting over claims 1-14 of U.S. Patent No. 6,463,930 be withdrawn.

### SUMMARY

Claims 1-14 are pending in the Application. Applicants request that the Examiner reconsider the application and claims 1-14 in light of the foregoing Amendment and Response, and respectfully submit that the claims are in condition for allowance. If, in the Examiner's opinion, a telephonic interview would expedite the favorable prosecution of the present application, the undersigned attorney would welcome the opportunity to discuss any outstanding issues, and to work with the Examiner toward placing the application in condition for allowance.

Respectfully submitted,

Date: July 21, 2005  
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